IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 15989 of 2007(C)

PETITIONER:

SAJI, S/O. MATHAI SAMUEL,
IMMANUAL HOUSE, KULAKKADA, KOTTARAKKARA,
KOLLAM DISTRICT.

BY ADV. SRI.K.B.PRADEEP

RESPONDENTS:

1. THE STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR, KOLLAM.

2. THE CIRCLE INSPECTOR OF POLICE,
KOTTARAKARA POLICE CIRCLE, KOTTARAKARA.

3. THE KULAKADA GRAMA PANCHAYAT,
KULAKADA P.O., KOTTARAKARA, REPRESENTED BY ITS SECRETARY.

ADDITIONAL 4TH RESPONDENT

4. THE DISTRICT COLLECTOR, KOLLAM.

(ADDL. R4 IS IMPLEADED ON 30.5.2007 AS PER ORDER IN I.A.NO.6896/2007)

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.15989 of 2007

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Dated this the 30th day of May, 2007

J U D G M E N T

Petitioner's Vehicle bearing registration No.KL-7/E-6949 was seized by the 4th respondent on allegation of transport of river sand illegally. Although the 2nd respondent informed the petitioner that the papers have been forwarded to the additional 4th respondent, the additional 4th respondent informed the petitioner that the papers have not reached him. It is in the above circumstances that the petitioner has approached this court for interim custody of the vehicle pending final orders to be passed by the additional 4th respondent under the Kerala Protection of River Banks & Regulation of Removal of Sand Act and Rules.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader.

3. In the facts and circumstances of the case, there would be a direction to 2nd and 4th respondents to release the vehicle belonging to the petitioner on his furnishing a bank guarantee for an amount of Rs.25,000/- which would be the maximum amount payable by the petitioner, if he is found guilty, and producing proof of ownership of the vehicle. However, the petitioner shall not alienate or otherwise part with possession of the vehicle until final orders are passed by the additional 4th respondent.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.